

3.00 P.M.

**THE CONSTITUTION (AMENDMENT) BILL, 2004 (AMENDMENT OF  
ARTICLES 341 AND 342)**

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MEIRAKUMAR): Mr. Deputy Chairman, Sir, on the 11th of August, I have given a major part of my reply to the Private Members' Bill brought by Shri Condpan. I will proceed further from where I stopped last time.

I would like to say that the caste system practised in Hindu religion is a highly complex and a hierarchical and a discriminatory system. This is true even in the case of Buddhism and Sikhism, which have their roots in the Hindu religion. The SC members of these three religions have been provided reservation in the Constitution. Prof. Kurien had suggested that the SC converts of Christianity and Islam should also be included in the SC List of the Constitution. I wish to say that presently this issue is being examined by the National Commission for Religious and Linguistic Minorities. Probably Prof. Kurien is not here, but I am bringing it on record,

Shri Sabharwal had said that there should be sub-categorisation in Scheduled Castes. A Commission has recently been set up to examine this with respect to the State of Andhra Pradesh. Shri Praveen Rashtrapal had pointed out that there are 12,000 entries waiting to be included in the SC List which are pending in my Ministry. I want to clarify that there are 513 such proposals out of which 426 proposals have been sent by my Ministry to the State and UT Governments for furnishing further ethnographic information. Twenty-four proposals, which have ethnographic details, have been referred to the Registrar General of India. Twenty-nine proposals have been referred to the National Commission of Scheduled Castes. For 17 proposals I have introduced a Constitution Amendment Bill in Lok Sabha on 31st July 2006. One proposal has matured in my Ministry after obtaining clearance from the Registrar General of India and the National Commission for Scheduled Castes.

[THE VICE CHAIRMAN (PROF. P.J. KURIEN) in the Chair]

Mr. Jothi had said that if a non-Scheduled Caste person marries a Scheduled Caste person, he/she should be suitably rewarded. So, I just want to point out that under the PCR Act and the POA Act, we have a scheme of giving incentive to those who have inter-caste marriages and

early this year, in February, i have written to all the Chief Ministers to enhance this incentive amount to Rs. 50,000.

Shrimati Prabha Thakur, Shri M.S. Gill, Shri Natchiappan, Shri Surendra tath, Shri Matilal Sarkar, Shri Ramdeo Bhandary, Anusuyaji and Shri Santosh Bagrodia have also expressed their concerns about the education, employment and welfare of SCs and STs. i want to tell them that the UPA Government is doing a great deal for SCs and STs in the field of education and other spheres. Welfare of SCs and STs is uppermost in our mind and we have a number of schemes, which my Ministry, or Mr. Kyndiah's Ministry of Tribal Affairs, are implementing directly or with the help of the States and UT. Governments.

Now, i come to the main issue of the Private Member Bill, which Mr. Condpan has introduced, the issue of amending articles 341 and 342. Presently, the SC and ST status is State-centric, UT-centric or area-centric. It is specific to a particular area, a particular region in a State or a Union Territory. He wants this to be made uniform. He wants that if there is an SC or ST community in a particular State or in a particular Union Territory, then that particular community should be declared SC or ST for the whole of the country. The first thing i want to point out is that as per the provisions of these two articles, the President has to specify the Scheduled Castes and Scheduled Tribes in a State, and he consults the Governor of the concerned State and the Administrator of the Union Territory to ascertain if a particular community is suffering from untouchability, in case of Scheduled Castes, or, a particular tribal community is living in isolation, is shy, and is suffering from geographical discrimination and aloofness. So, he consults the Governor. Now, if we have to make this uniform for the whole country—the recommendation of the Governor of that State cannot be applied to another State by the President of India—there will be this difficulty.

Apart from that, we must keep in mind that ours is a very vast country. We have so many different States and Union Territories, and we have a great deal of difference in the living standards, in the social conditions and in economic conditions in these States. Not only do the States differ in these respects, but within a State also, there are certain districts which are economically, socially more advanced than the other districts within the same State. Because of this vastness of the area of our country, because of the geographical complexities and the sociological complexities

of our country, the Fathers of our Constitution thought it best that applying uniform standards will not really be practical for the whole of the country. There might be some States which are backward, and, therefore, the SCs and STs living in those States might be more backward than the SCs and STs living in more advanced States. Therefore, although we should pay attention to the needs and difficulties of all the SCs and STs, but those living in more backward areas, more backward States need more attention. Therefore, they made the declaration of SCs and STs area-specific, region-specific and State-specific. This is the reason why it is sp. And, if we make it uniform, it may happen that those SCs and STs who are living in States more advanced, who are educationally far ahead of their counterparts in other backward States or backward regions, who are economically far advanced than their counterparts in other States and other regions, they may go to those States, and it might be detrimental to the progress of the SCs and STs of those backward regions and backward States. That is why this demand for applying a uniform standard for the whole of the country will not be in the best interest of the SCs and STs. Mr. Condpan has rightly pointed out the difficulties faced by the tea tribes of Assam who migrated there during the British rule from various other States and who deserve more attention economically, socially and educationally. I will request my colleague, Mr. Kyndiah also. Actually, this concerns more the Ministry of Tribal Affairs than it really concerns my Ministry because it is for declaring these tea labourers as Scheduled Tribe. Sp, I would also request my colleague Mr. Kyndiah to look into the difficulties faced by the tea labourers of these particular communities, which Mr. Condpan has mentioned in this Bill, and solve all their difficulties. But it will not be possible to apply the same uniform standard to all the SC/STs of the country. I would, therefore, request hon. Member to kindly withdraw this Bill, Thank you.

SHRI SILVIUS CONDPAN (Assam); Mr. Vice-Chairman, Sir. I have very minutely heard the reply of the hon. Minister. The point is that my Bill was not intended for uniformity of giving SC/ST status to the people. My concern was particularly for the tea tribes communities who are Scheduled Castes and Scheduled Tribes in their State of origin and also in the migrated State of Tripura and West Bengal for the same purpose but some sort of discrimination has been made against those who went to work in Assam. It is a very, very clear case. I think I have not been able to make understand the hon. Minister what was my case. The case is very simple that because

they went to Assam, not to West Bengal and Tripura, they are deprived. So, this is a discrimination, a Constitutional discrimination. No uniformity I am demanding; nothing new I am demanding through this Bill, Therefore, I request the Minister not to have this conception that I am demanding something very big. Today they are already Scheduled Castes and Scheduled Tribes in their State of origin, and again in the migrated States of West Bengal and Tripura. There is a discrimination against those who went to Assam. That discrimination has to be removed. They are suffering from area restrictions not afresh scheduling of castes and tribes. This is what I am intending to have by this Bill. The hon. Minister may kindly assure me that this matter will be examined from this point of view. It is not that I am demanding any uniformity. Uniformity is something big. This is a very simple thing-why not in Assam when it is everywhere else. Only for Assam, they are discriminated against. I would like to hear something more from the hon. Minister before I abide by the request of the hon. Minister.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Hon. Minister, do you want to react or say something?

SHRIMATI MEIRA KUMAR: Sir, I have said what I had to say.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Condpan, are you withdrawing your Bill? ...*(Interruptions)*... Are you withdrawing your Bill?

SHR SILVIUS CONDPAN: Sir, I just wanted a little assurance from the hon Minister with regard to the point that I have raised. I have put a clarification. The question of withdrawing is not difficult. I want a little more clarification than what the hon. Minister has given. I am not adamant not to withdraw this Bill.

SHRIMATI MEIRA KUMAR: Sir, actually I have said all that he wanted in my reply on 11th August, I had specifically mentioned all these tribes that he has mentioned.

I come to the particular question of granting ST status to Koch Rajbangshi, Tai, Ahom, Chutia, Moran, Matak communities of tea garden and ex-tea garden tribes. Now I had also clarified in my reply on that day. That is why I was just ending since all these were replied to. You see there is a certain system. When the State sends the proposal to my Ministry, actually, it is not my Ministry because you have asked for granting them

tribal status, ST status. So, it goes to the Ministry of Tribal Affairs. However, the procedure is, after we have received all the ethnographic details, then we sent it to the Registrar General of India. The Registrar General of India has to give his consent, and, if it is for Scheduled Castes, then, we sent it to the National Commission for Scheduled Castes for their view. If it is regarding tribals, then it is sent to the National Commission for Scheduled Tribes. In this case, it was sent to the RGI. The RGI rejected the proposal. It was sent to them in each case. In case of each community, the proposal was sent to them 4-5 times. I had explained all this last time that every time it was rejected. Then, there was nothing we could do, not my Ministry, but the Ministry of Tribal Affairs. I had explained all this last time but this time I have said that we are aware of the difficulties faced by the tea labourers of Assam. I have said it just now that I would request my colleague, Mr. Kyndiah, who is the Minister for Tribal Affairs, because it is for granting tribal status to these people, what we can do for their education, for their welfare, in other spheres. But, however, this Bill does say that if they are Scheduled Castes in one State or Scheduled Tribes in one State they should also become Scheduled Castes in other States, which means applying the principle of uniformity. That is why I said this. But as far as the difficulties of tea labourers of Assam are concerned, we will certainly look into it.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN) Mr Condpan, she has assured that she will look into this.

SHRI SILVIUS CONDPAN: If the assurance is given to me that the matter will be referred to the Tribal Affairs Ministry for proper examination by the Government then I bet to withdraw my Bill and I thank all the Members who have participated in this Bill.

*The Bill was, by leave withdrawn.*

### **The Agricultural Produce (Remunerative Prices) Bill, 2006**

SHRI V NARAYANSAMY (Pondicherry): Sir, I beg to move:

That the Bill to provide for ensuring remunerative prices for the agricultural produce of the farmers by way of fixation of minimum support price, compulsory market intervention by such Governmental agencies in cases of bumper crops and for the establishment of an autonomous Board